

extension of two of said spacers in the longitudinal direction thereof, said two spacers being in outermost sides.

12. (Unamended) The image forming apparatus according to claim 9, wherein said getter is a ring-shaped getter.

13. (Unamended) The image forming apparatus according to claim 9, wherein a region in which said electron-emitting devices are formed is an approximate rectangle and said spacer is disposed from one side of said region to an opposite side of said region.

14. (Unamended) The image forming apparatus according to claim 9, wherein said electron-emitting devices are field emission type electron-emitting devices.

15. (Unamended) The image forming apparatus according to claim 9, wherein said electron-emitting devices are surface conduction electron-emitting devices.

REMARKS

Claims 9-15 are presented for consideration, with Claim 9 being independent.

Independent Claim 9 has been amended to further distinguish Applicants' invention from the cited art.

The amendments to Claim 9 were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment does not add any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues requiring further consideration or search. Accordingly, it is believed that entry of the Amendment is appropriate.

Initially, Claims 9-15 stand rejected on obviousness-type double patenting grounds as allegedly being unpatentable over Claims 1-20 of U.S. Patent No. 5,952,775. This rejection is respectfully traversed.

Applicants' invention as set forth in Claim 9 relates to an image forming apparatus comprised of a first plate including electron-emitting devices, a second plate disposed to face the first plate, and a plurality of spacers disposed between the first and second plates, with the spacers being disposed substantially in parallel with each other and extending in a longitudinal direction. Additionally, an outer frame hermetically surrounds a space between the first and second plate, and a getter is disposed between the first plate and the second plate and within the space. The getter is proximate to a side of the outer frame that is positioned across an imaginary extension of the spacers in the longitudinal direction thereof.

As will be appreciated, Claim 9 has been amended to recite that the getter is disposed between the first and second plates and to a side of the outer frame. In this manner, the gas within the image forming apparatus can be efficiently evacuated, thus providing a well-maintained vacuum within the space.

The claims in the '775 patent are directed to an image forming apparatus that includes front and rear face plates, a plurality of flat plate spacers disposed substantially in parallel with each other and extending in a longitudinal direction, and an outer frame hermetically surrounding a space between the rear and face plates. A vent tube communicates within the space and is attached to one of the rear plate, the face plate or the outer frame in a region bounded by imaginary extensions in the longitudinal directions and two outermost flat plate spacers across the outer frame.

The claims in the '775 patent do not recite, among other features, providing a getter disposed between the first plate and the second plate within the space and proximate to a side of the outer frame positioned across an imaginary extension of the spacers. For at least this reason, the claims of the subject application are submitted to be distinct from the claims in the '775 patent.

In view of the foregoing, reconsideration and withdrawal of the double patenting rejection in view of Claims 1-20 of U.S. Patent No. 5,952,775 is respectfully requested.

Claims 9-15 were also rejected under 35 U.S.C. §103 as allegedly being obvious over Banno '861 in view of Jones '608. This rejection is respectfully traversed.

As discussed in the previous Amendment of October 23, 2000, the Banno patent relates to a display apparatus and includes electron emitting devices and a lower space defined by a rear plate 9 and a front plate 1. As shown in Figure 3, an upper space is defined between the front plate 1 and a face plate 10, and the lower space is defined between the front

plate 1 and the rear plate 9. A getter 7 and a vacuum tube 12 are disposed within the lower space.

The secondary citation to Jones relates to a field emission display device and was cited for its teaching of providing a plurality of spacers. With reference to Figure 9, a spacer assembly 98 is comprised of a top spacer 100, and intermediate spacer 102 and a bottom spacer 104 stacked vertically.

Without conceding the propriety of combining Banno and Jones in the manner proposed in the Office Action, it is submitted that such a combination, even if proper, still fails to teach or suggest Applicants' claimed invention. For example, the proposed combination does not teach or suggest, inter alia, a getter between a first plate that includes electron emitting devices and a second plate disposed to face the first plate or a plurality of spacers disposed substantially in parallel with each other as set forth in Applicants' claimed invention. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §103, is deemed to be in order and such action is respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent Claim 9 is patentable over the cited art. In addition, dependent Claims 10-15 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

9. (Twice Amended) An image forming apparatus comprising:
- a first plate including electron-emitting devices;
 - a second plate being disposed to face said first plate;
 - a plurality of spacers disposed between said first plate and said second plate, said spacers being disposed substantially in parallel with each other and extending in a longitudinal direction;
 - an outer frame hermetically surrounding a space between said first plate and said second plate; and
 - a getter being disposed [with] between said first plate and said second plate and within the space, and being proximate to a side of said outer frame that is positioned across an imaginary extension of said spacers in the longitudinal direction thereof.